

REMARKS

Reconsideration of the application is requested.

Claims 1-10 and 12 are now in the application. Claims 1-10 and 12 are subject to examination. Claim 1 has been amended. Claim 12 has been added. Claim 11 has been canceled to facilitate prosecution of the application.

Under the heading "Specification" on page 2 of the above-identified Office Action, the Examiner stated that the specification is missing certain headings.

Applicants request that the Examiner refer to the substitute specification that was provided in the preliminary amendment filed on February 11, 2005. All required headings are present. Counsel assumes that the Examiner has mistakenly referred to the translated copy of the priority document that was filed on February 6, 2006 in response to the Notice of Defective Response mailed on January 19, 2006.

Under the heading "Claim Rejections – 35 USC § 112" on page 2 of the above-identified Office Action, claims 1-11 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

With regard to claim 1, applicant broadly agrees that "Limitation 1b is calls for the step of determining whether location request handling device is of a version which has been provisioned/pre-arranged to receive switching device address

data." The Examiner then goes on to say that "limitation 1c implies that if the request is indeed from such version that is prearranged to receive the switching address, then just simply receive a further handling device and don't receive the switching device address data." It is difficult for applicant to understand what the Examiner is saying here. Applicant would say that limitation 1c states that if the request is indeed from such a version of a location request handling device, then although it has requested "switching device address data of a switching device, via which the subscriber can currently be reached", instead, the subscriber database provides to the first location request handling device (a version of a location request handling device for which there is provision for the location request handling device to receive switching device address data from the subscriber database as a response) location request handling device address data representing the address of a further location request handling device instead of the switching device address data. In other words, the first location request handling device requests something but is not given that something; instead it is given "location request handling device address data representing the address of a further location request handling device".

The Examiner states that "This sound contradictory". I'm afraid I cannot see this. The Examiner further states that "it's the same as stating if a network component satisfied the "if" condition to receive X data, then don't receive X data, instead just receive y data." Applicant believes this is a mischaracterization of claim 1. According to claim 1, there is an expectation in the first location request handling device that it will receive "switching device address data of a switching device, via which the subscriber can currently be

reached", it is recognized in the method according to claim 1 that the provision of this data is not appropriate, and so instead of providing this data, some other data (location request handling device address data representing the address of a further location request handling device) is provided. In other words, the expectations of the first location request handling device are over-ridden by recognizing that the first location request handling device should be receiving address data other than what it has requested.

The Examiner states that "Thus, the "if "condition and the "then" statement seems disconnected and have no logical connection". Applicant, however, disagrees and believes there is clearly a connection. As can be seen from the above explanation, the invention as defined by claim 1 is certainly clear to one of ordinary skill in the art.

In response to the Examiner's comments relating to claim 11, applicant has canceled claim 11 and has added claim 12. Applicant believes that support for claim 12 is found in claim 11. Additional support can be found by referring to Fig. 1 and to the specification at page 4, line 31 through page 7, line 3.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading "Claim Objections" on page 5 of the above-identified Office Action, the Examiner stated that claim 1 lacks antecedent basis for "the address of a further location".

Claim 1 has been amended to refer to "an address of a further location".

Under the heading "Claim Rejections – 35 USC § 102" on page 5 of the above-identified Office Action, claims 1, 3-6, 8, and 10-11 have been rejected as being fully anticipated by U.S. Patent No. 6104932 to Havanis under 35 U.S.C. § 102. Applicant respectfully traverses.

In the office action, the Examiner has based his arguments on US6104932 (HAVINIS) and has referred to column 4, lines 20 to 58, with reference to Figures 4 and 5. In order to explain why HAVINIS does not disclose the features of claim 1, the applicant now sets out a summary of the teaching in column 4, lines 20 to 58.

The GMLC 490 receives a positioning request (step 500) and in response sends a request for routing information (e.g., the address of the MSC/VLR 460 serving the PLMN 405 that the MS 400 is currently located in and positioning subscription information for the MS 400) (step 505) to the Home Location Register (HLR) 450 of the MS. The HLR 450 checks its records to confirm that the MS 400 is registered in the HLR 450 (step 510), and that routing

information for that MS 400 is available (step 515) and, if so, the routing information, e.g., the serving MSC/VLR 460 address, together with the positioning subscription information, is sent to the GMLC 490 (step 530). The GMLC 490 checks whether the MS 400 allows positioning to be performed (step 535), and if so, the GMLC 490 sends the positioning request to the serving MSC/VLR 460 (step 540), using the MSC/VLR 460 address. The MSC/VLR 460 then routes the positioning request to the MLC 470 serving the PLMN 405 that the MS 400 is located in (step 545).

Claim 1 includes various features which are novel over HAVINIS. According to this claim, a request from a first location request handling device is received at a subscriber database of a mobile radio network for switching device address data of a switching device, via which a subscriber can currently be reached and it is determined whether the location request is from a version of a location request handling device for which there is provision for the location request handling device to receive switching device address data from the subscriber database as a response. According to HAVINIS, a request for routing information in respect of a particular mobile from a GMLC is received at an HLR. The request is for routing (the address of the MSC/VLR) and other information so that a decision can be made as to whether the positioning request should be sent to the mobile terminal.

However, claim 1 specifies:

in the event that the request (SRI) is from such a version of a location request handling device, specifying, via the subscriber database (HLR), to the first location request handling device, in a response, location request handling device address data (MAP(H-GMLC) representing the address of a further location request handling device (H-GMLC-R6) instead of the switching device address data (MAP(MSC/SGSN))."

Such a feature is not disclosed in HAVINIS. This document discloses simply receiving the address of the MSC/VLR from the subscriber database (HLR). There is no disclosure that the GMLC receives via the HLR location request handling device address data representing the address of a further location request handling device instead of the address of the MSC/VLR since it is clear that in HAVINIS, the routing information, e.g. the serving MSC/VLR 460 address, is requested and this information is provided. Therefore, claim 1 is novel over HAVINIS.

Looking at the current office action, the Examiner has excerpted this part of claim 1:

"wherein in the event that the request is from such a version of a location request handling device, specifying, via the subscriber database, to the first location request handling device, in a response, location request handling device address data representing the address of a further location request handling device instead of the switching device address data".

The Examiner has stated that this feature can be found in HAVINIS as follows:

"C4 L20-43; if the GMLC is the serving device then HLR sends MSC address is sent to GMLC".

The Examiner has misunderstood claim 1. Claim 1 states "specifying, via the subscriber database, to the first location request handling device, in a response, location request handling device address data representing the address of a further location request handling device instead of the switching device address data". The Examiner's comment that this feature is accordingly anticipated by HAVINIS including the feature that the HLR sends MSC address (which is switching device address data) is therefore not true because "location request handling device address data representing the address of a further location request handling device" is not the same data as "the switching device address data", as is stated specifically in claim 1. This reasoning also applies to claim 12.

Under the heading "Claim Rejections – 35 USC § 103" on page 8 of the above-identified Office Action, claims 2 and 9 have been rejected as being obvious over U.S. Patent No. 6501955 to Havinis in view of 3GPP (3gpp Ts 23.271 v6.0.0.) under 35 U.S.C. § 103. Applicant respectfully traverses.

Applicant believes the invention as defined by claims 2 and 9 is not suggested for the reasons given above with regard to claim 1.

Under the heading "Claim Rejections – 35 USC § 103" on page 9 of the above-identified Office Action, claim 7 has been rejected as being obvious over U.S. Patent No. 6501955 to Havanis under 35 U.S.C. § 103. Applicant respectfully traverses.

Applicant believes the invention as defined by claim 7 is not suggested for the reasons given above with regard to claim 1.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 12. Claims 1 and 12 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-10 and 12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.



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Respectfully submitted,

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